

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) Case No. CR- 24-069-RAW
)
BROOKLYN ELAINE WILSON,)
)
Defendant.)

**MOTION FOR VARIANCE (OR DEPARTURE) FROM THE ADVISORY
SENTENCING GUIDELINE RANGE**

As a summary overview for sentencing, and due to reasons as to the foundational basis for the request will be presented orally as anticipated at sentencing, Ms. Brooklyn Elaine Wilson respectfully requests a variance from the adjusted base offense level of 43 downward by one level to an offense level 42. The following, while providing a basic guide, is only meant to direct the Court while it listens to the in-court presentation. While the primary grounds will arise from Ms. Wilson's verbal statement to the Court, the following factors, among others discussed herein support a variance of one level and an adjusted advisory guideline range of 360-months to life:

- History and Characteristics of the Defendant – Ms. Wilson has no criminal history of any kind, and has been a model inmate during her pre-trial detention in the Muskogee County Jail. She has strong family ties who remain supportive of her, and she has always been gainfully employed and otherwise lived a quiet life where she grew up and has deep roots.

- Exceptional Acceptance of Responsibility/Cooperation¹ – Ms. Brooklyn Wilson, prior to ever having counsel appointed, **did a polygraph test put forth from the Government and showed “no signs of deceit.” In addition, Ms. Wilson sat down with the Government – with counsel present – and answered all questions put to her regarding this offense.**
- Proportionality/Need to Avoid Disparities Among Defendants in other cases – With no criminal history, a steady job, and being the sole support of his wife and children, Mr. Dyer does not fit the profile of the type of defendant where incarceration is necessitated.
- Objectives of Sentencing – The objectives of sentencing can be best fulfilled by a sentence of not more than 360 months. The likelihood of reoffend, as is common in the most severe offenses, is extremely unlikely, and thus Ms. Wilson should be given the opportunity to have some aspect of life outside of prison after serving her sentence.

As a summary, it is anticipated that the Court will hear from Ms. Wilson that will, above all, be her great remorse at what occurred. There will be a distinction between Ms. Wilson and Mr. Palma, but the end result remains both tragic and heartbreak for Ms. Wilson as she will, as she has throughout this case, remains stunned at her ownself and how she viewed at what it was that she had actually done. It will become apparent to the Court, as is summarily describe in the PSR of her personal history, that Ms. Wilson, an otherwise law-abiding citizen, to make a shockingly poor and aberrant decision. *See* 5K2.20 (Aberrant Behavior, Policy Statement).

¹ The Tenth Circuit has long recognized that a departure and/or variance was appropriate “for acceptance of responsibility to be so exceptional that it is ‘to a degree’ not considered by USSG § 3E1.1.” *United States v. Gaither*, 1 F.3d 1040, 1043 (10th Cir. 1993).

CONCLUSION

The primary analysis for the Court will be, after considering the case itself, the differences between Ms. Wilson and Mr. Palma (and her actual knowledge on the most severe acts by Mr. Palma) and the statements made at Sentencing, will be the application of the *lex talionis* aspect under 3553(a) in trying to find the proper punishment that fits Ms. Wilson and the offense.

Respectfully Submitted,

s/Robert Don Gifford

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CERTIFICATE OF SERVICE

I hereby certify that on April 22, 2025, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing. Based on the records currently on file, the Clerk of the Court will transmit a Notice of Electronic Filing to the following ECF registrants.

s/Robert Don Gifford

ROBERT DON GIFFORD, II
